

REMARKS

In response to the Restriction Requirement stated in the Official Action dated October 4, 2004, Applicants provisionally elect Group (Invention) I, Claims 1-18, classified in class 399, subclass 316.

Applicants respectfully traverse the outstanding Restriction Requirement for several reasons.

First, the outstanding Office Action asserts that the Inventions I and II are distinct, each from the other, under MPEP §§806.04 and 808.01, because "[i]n the instant case the different inventions have different functions such as invention I restricts conveyance of the recording material towards the nip of the image carrier and the transfer member using guide members and invention II assists in contact between the recording medium and the transfer body" and because "both inventions have not been shown as usable together." However, without further information, such findings lack grounds upon which it can be evaluated whether in fact the proposed Inventions I and II are not "usable together" and/or have "different functions" under MPEP §§806.04 and 808.01. Accordingly, it is respectfully submitted that the PTO has not carried its burden of proof to establish distinctness.

Furthermore, MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In the present application, Claims 1-17 are directed to image forming apparatus, Claim 18 to a method of conveying a recording medium, Claims 19-38 to image forming apparatus, and Claim 39 to an image transferring device. Hence, it appears that these claims according to the present invention are part of an overlapping search area, and that a search for Claims 1-18 would necessarily include the subclass required for a search directed to Claims 19-39 as well.

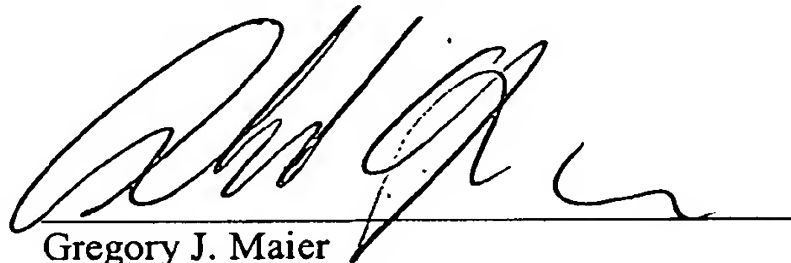
It is therefore believed that there is no undue burden on the Examiner to search all the claims under MPEP §803, and Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-39 be conducted.

Furthermore, Applicants respectfully request that Mr. Toshiaki Motohashi be deleted from one of the named inventors and that Mr. Yuuji Sawai be made the sole inventor directed to Claims 1-18.

Respectfully submitted,

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